

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINAJames S. Strickland, #271958,
aka James Stephen Strickland

Plaintiff,

vs.

Nurse Gill, Nurse Head,
Nurse K. Moore,
Nurse, Dr. Palimam

Defendants.

C/A No. 4:15-2304-JFA-TER

ORDER

Plaintiff James S. Strickland (hereinafter “Strickland”), proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983. (*See* ECF 1). Strickland, an inmate at Kirkland Correctional Institution, alleges he suffered improper medical treatment while incarcerated with the South Carolina Department of Corrections.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he recommends that this Court dismiss this action for failure to state a claim upon which relief may be granted. (ECF No. 14). The Report and Recommendation sets forth the relevant facts and standards of law in this matter, and the Court incorporates such without a recitation.

The parties were advised of their right to file objections to the Report and Recommendation, which was entered on the docket on August 4, 2015. However, no objections were filed. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

In his Report and Recommendation, the Magistrate Judge opined that Strickland's allegations of "gross negligence" or incorrect medical treatment are not cognizable claims under 42 U.S.C. § 1983. As such, the Magistrate Judge concluded that Strickland's action fails to state a claim for which relief may be granted.

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference in its entirety.

Accordingly, this Court **DISMISSES** Strickland's complaint (ECF No. 1) without prejudice.

It is so ordered.

October 1, 2015
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge